

DISCUSSION DOCUMENT

U.S. EPA's DRAFT 2017 CONSTRUCTION GENERAL PERMIT

Proposed Permit Changes & Provisions on which EPA Solicits Feedback

According to EPA, “[e]nhanced transparency and availability of CGP SWPPP information will provide stakeholders with more timely and complete information about potential sources of water pollution and measures to control discharges for the sites covered under the CGP, and will help EPA to ensure that SWPPPs are meaningfully developed and implemented.”

Note that under the 2012 CGP, permittees are required to provide copies of the SWPPP, upon request, to

that many permittees needing to conduct external building washdown activities can do so without discharging into a waterbody, e.g., by directing washwater runoff into a pervious or vegetated area for infiltration. Thus, EPA assumes that any increase in burden associated with the proposed new condition will be minimal.

10. Stricter controls on demolition of buildings made with PCBs—EPA proposes a new requirement to implement controls to minimize the exposure of polychlorinated biphenyl-(PCB) containing building materials to precipitation and stormwater associated with the demolition of structures with at least 10,000 square feet of floor space built or renovated before January 1, 1980. In addition, EPA proposes to require information about the demolition location and associated pollutants to be documented in the SWPPP. *Part 2.3.3.*

11. Protection for Construction and Domestic Waste Containers – EPA proposes a new requirement that waste container lids be kept closed when not in use. For waste containers that do not have lids and could leak, EPA proposes to require that a cover (or a similarly effective means) be provided to minimize the discharge of pollutants. *Part 2.3.3.*

12. Added BMP Provisions—EPA proposes to make revisions to the technology-based non-numeric) effluent limits in the permit to implement the March 6, 2014, amendments to the Construction and Development Effluent Guidelines and Standards (**the C&D ELG rule**) at 40 CFR Part 450 (i.e., clarifying and enhancing requirements to control erosion caused by discharges, providing additional details on areas where buffers are required, and expanding on requirements for soil stabilization, preservation of topsoil, and certain pollution prevention measures).

In the draft documents, EPA refers to the above-referenced revisions as “minor” but, in fact, some may warrant further analysis and feedback by industry equally on whether or not the proposed practices (i.e., EPA’s approach to incorporating the ELG rule into the federal permit) are feasible or cost-effective typical jobsite. EPA’s draft 2017 CGP Fact Sheet includes a summary of each ELG provision and the Agency’s rationale for how it has “articulated” the proposed permit.

13. Public notice of permit coverage—EPA proposes a new requirement that the permittee’s sign/posting (or other public notice) of permit coverage must also include information informing the public on how to contact EPA if stormwater pollution is observed in the discharge. The current 2012 CGP requires that the permittee post a sign or other public notice of permit coverage at a safe, publicly-accessible location in close proximity to the construction site. *Part 1.5.*

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